

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9540 of 2022

Santosh Kumar Nayak and others ***Petitioners***
Mr. S. Mohapatra, Advocate

-versus-

State of Odisha and others ***Opp. Parties***
Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

11.08.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioners for anticipatory bail.
4. The petitioners are seeking pre-arrest bail in connection with I.C.C. No.40 of 2022, pending in the court of learned J.M.F.C., Soro for commission of offence punishable under Sections 294/307/323/ 379/354/506/494/34, I.P.C.
5. It is submitted by learned counsel for the petitioners that the present case arises out of a complaint case. It is further submitted by learned counsel for the petitioners that there is a dispute between the parties as a result of which case and counter case has been filed but, the present case has been filed by the informant falsely implicating the petitioners. It is also submitted that the petitioners do not have

criminal antecedents of similar nature of offence and that there is no such injury as has been alleged in the complaint case.

6. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioners. However, it is directed that in the event the petitioners surrender before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, they shall be released on bail on such terms and conditions as would be deemed just and proper.

7. It is further directed that the bail granted to the petitioners is subject to the condition that learned court below shall verify whether injuries sustained by the injured are grievous in nature. In the event it is found that the injury is grievous in nature, this bail order shall automatically stand revoked.

8. It is further directed that the bail granted to the petitioners is subject to the condition that learned court below shall verify whether the petitioners have any criminal antecedents of similar nature. In the event it is found that the petitioners have any criminal antecedents of similar nature, this bail order shall automatically stand revoked.

9. Accordingly, the ABLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge